

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)

Amendment of Section 73.202(b))

Table of Assignments)

FM Broadcast Stations)

(Indian River Shores, Florida))

RM - _____

To: Chief, Allocations Branch
Policy & Rules Division, Mass Media Bureau

PETITION FOR RULE MAKING

deHaro Communications, Inc. ("deHaro"), by Counsel, and pursuant to Section 1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making Proceedings for amendment of the FM Table of Allocations to add Channel 246A (97.1 MHz) to Indian River Shores, Florida, as its first aural facility, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Indian River Shores, FL	---	246A

In support hereof, the following is shown:

Technical Criteria

1. Attached hereto as Exhibit A is an Engineering Statement prepared by Jefferson G. Brock of Bromo Communications, Inc. wherein it is stated that Channel 246A may be allotted to the community of Indian River Shores in

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compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements. According to the Engineering Statement, Channel 246A may be allotted to Indian River Shores without the imposition of a site restriction at reference coordinates North Latitude 27 - 41 - 10 and West Longitude 80 - 22 - 10. From this location, the 3.16 mV/m city-grade contour will encompass the entire town of Indian River Shores.

Community Status

2. Indian River Shores is an incorporated community in Indian River County, Florida. Indian River Shores is a politically independent community since it has an independent elected government, the Indian River Shores Town Council. The Town Council is comprised of five elected officials, along with an non-elected Manager-Administrator.¹ The current address of the Town Council is:

Indian River Shores Town Council
c/o Joseph Dorsky, Town Manager
6001 North A1A
Indian River Shores, FL 32963

(407) 231-1771

3. According to the U.S. Census Bureau, the population of Indian River Shores has sky-rocketed since 1980. In 1980, 1,254 persons resided in Indian River Shores. According to the 1990 U.S. Census, the town now boasts a population of

¹ All of the population, governmental and cultural information presented in this Petition was secured from the Indian River County Chamber of Commerce (Telephone Number 407-778-3181; Attn: Alan Campbell).

2,278, which represents an 81.7% increase in population since 1980. Also, Indian River County as a whole has witnessed a strong growth in population since 1980. In 1980, the U.S. Census tallied 59,896 residents in the county. According to the 1990 U.S. Census, the county population now stands at 90,208 -- a growth of 50.6% since 1980.

4. Indian River Shores has defined boundaries, thus affording the town to be a geographically identifiable population group.² Attached hereto as Exhibit B is an excerpt of a map supplied by the Indian River County Chamber of Commerce wherein the Indian River Shores City Limits boundaries are clearly marked. Furthermore, Indian River Shores has its own Police Department, located at 6001 N. AlA, Indian River Shores, Florida (Telephone Number 407-231-4699). Also, Indian River County has established a separate Fire Department in Indian River Shores. The Indian River Shores Fire Department is Station Number 50, with the following Telephone Number: (407) 231-2451.

5. Based upon the foregoing, the community of Indian River Shores is a community for FCC allotment purposes.

Public Interest Showing

6. As stated in the Engineering Statement, there are no other aural facilities in Indian River Shores. The

² See, *Beacon Broadcasting*, 63 RR 2d 794, 2 FCC Rcd 3469 (1987); *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 101 (1982).

proposed channel would serve as the first aural outlet for Indian River Shores. Given the growth in the community's population, Indian River Shores is deserving of its first aural facility.

Statement of Interest

7. deHaro hereby expresses its intention to apply for Channel 246A at Indian River Shores, if that Channel is allotted by the Commission, and that further, if its Application is granted, to construct and operate that facility.

WHEREFORE, the above premises considered, deHaro respectfully urges the Commission to GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify Channel 246A for Indian River Shores, Florida.

Respectfully submitted,
deHARO COMMUNICATIONS, INC.

By: 
Cary S. Tepper

Its Attorney

Meyer, Faller, Weisman
and Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015

(202) 362-1100

July 6, 1993

EXHIBIT A

**(Engineering Statement of
Bromo Communications, Inc.)**

PETITION FOR RULE MAKING
deHARO COMMUNICATIONS, INC
ALLOT CHANNEL 246A
INDIAN RIVER SHORES, FLORIDA
July 1993

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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PETITION FOR RULE MAKING
deHARO COMMUNICATIONS, INC
ALLOT CHANNEL 246A
INDIAN RIVER SHORES, FLORIDA
July 1993

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of deHaro Communications, Inc. ("DCI"). DCI requests that §73.202(b) of the Commission's rules be amended by allotting Channel 246A to Indian River Shores, Florida, as that community's first local broadcast facility.

DISCUSSION

2. DCI notes that Indian River Shores is an incorporated town located in Indian River County. Indian River Shores has a 1990 population of 2,278 persons, according to the United States Census. This represents an increase of 1,024 persons over the town's 1980 population. There are presently no broadcast facilities licensed to the town.

3. Channel 246A can be allotted to Indian River Shores without the imposition of a site restriction at reference coordinates North Latitude 27° 41' 10" and West Longitude 80° 22' 10". From this location, the 3.16 mV/m contour will encompass the entire town of Indian River Shores. Attached, as Exhibit #1, is a usable area map which depicts where a

transmitter site for Channel 246A at Indian River Shores can be located. Further, attached as Exhibit #2, is a §73.207 allocation study which shows that Channel 246A meets the Commission's minimum distance separation requirement to all licensed, applied for or proposed facilities.

4. Therefore, deHaro Communications, Inc., requests the following change to §73.202(b) of the Commission's rules:

Indian River Shores, Florida

Present

None

Proposed

246A

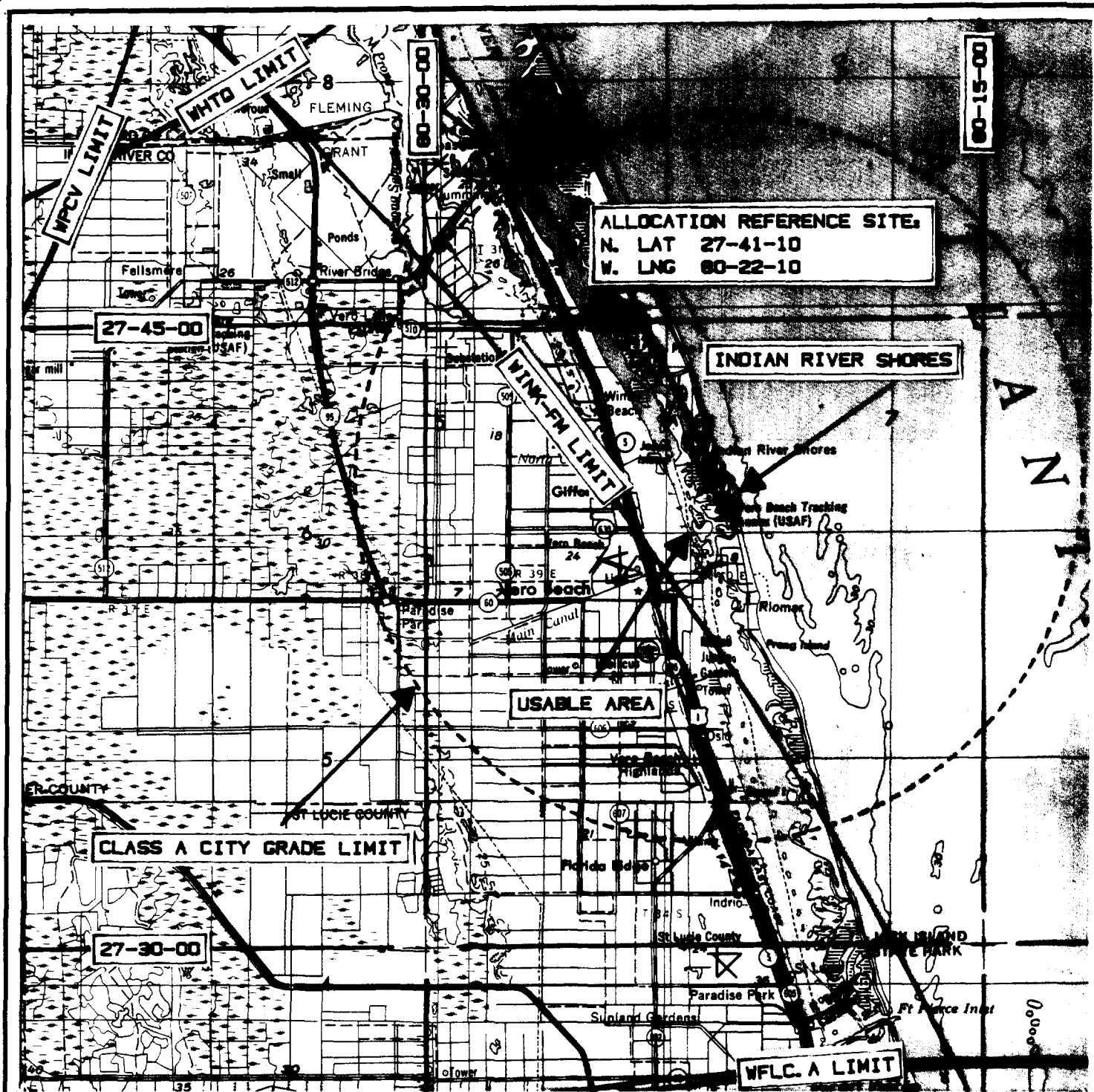
PUBLIC INTEREST MATTERS

5. The allotment of Channel 246A to Indian River Shores, Florida, will provide the community with its first local broadcast outlet. ¹ Further, a maximum Class A facility, operating from the herein proposed reference site, would provide 152,238 (1990 Census) persons with new service.

1) It should be noted that Indian River Shores is located in the recently created U.S. Census Vero Beach Urbanized Area. It is, however, an incorporated town, which existed prior to the creation of the Urbanized Area.

6. If allotted, deHaro Communications, Inc., will file an application for Channel 246A at Indian River Shores, Florida, and, if granted, will work expeditiously to construct the facility.

7. The foregoing technical statement was prepared on behalf of deHaro Communications, Inc., by Bromo Communications, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608. All data relating to FM licensed or applied for facilities and proposals was extracted from the NTIA FM database, as updated in May 1993. We assume no liability for errors or omissions in that database which may be adverse to the herein proposed requests.



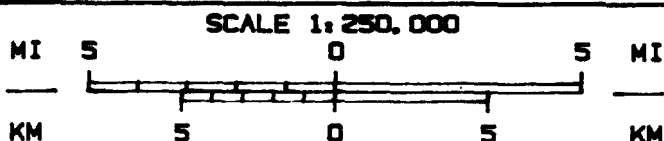
USABLE AREA CHANNEL 246A

MAP IS A PORTION OF THE 1:250,000 SCALE
FORT PIERCE U.S.G.S. EASTERN UNITED
STATES MAP.

EXHIBIT #1

PETITION FOR RULE MAKING
deHARO BROADCASTING, INC.
ALLOT CHANNEL 246A
INDIAN RIVER SHORES, FL

July 1983



BROMO
COMMUNICATIONS
St Simons Island, Georgia
BROADCAST
TECHNICAL CONSULTANTS
Washington, D.C.

**ALLOCATION STUDY FOR INDIAN RIVER SHORES, FLORIDA
USING PROPOSED ALLOCATION SITE AS REFERENCE**

REFERENCE
27 41 10 N
80 22 10 W

CLASS A
Current rules spacings
CHANNEL 246 - 97.1 MHz

DISPLAY DATES
DATA 05-26-93
SEARCH 07-01-93

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD246	246A	Indian River Shores	FL	0.0	0.0	115.0	-115.00
AD	27 41 10	80 22 10	0.000 kW	OM	0.0	71.4	
<i>deHaro Communications, Inc.</i>							
WINKFM	245C	Fort Myers	FL	234.6	169.39	165.0	4.39
LI CY	26 48 01	81 45 48	100.000 kW	403M	105.3	102.6	
Fort Myers Broadcasting Company				BLH880819KE			
WFLC.A	247C	Miami	FL	175.6	190.85	165.0	25.85
AP CN	25 58 07	80 13 20	100.000 kW	302M	118.6	102.6	
WIOD, Inc.				BMPH9204081E			
WHTQ	243C	Orlando	FL	325.0	121.01	95.0	26.01
LI CN	28 34 51	81 04 32	100.000 kW	487M	75.2	59.0	
TK Communications, Inc.				BLH850513KL			
WFLC.C	247C	Miami	FL	175.2	191.20	165.0	26.20
CP DCN	25 57 59	80 12 33	100.000 kW	307M	118.8	102.6	
WIOD, Inc.				BPH8702270I			
WPCV	248C	Winter Haven	FL	292.8	126.12	95.0	31.12
LI CN	28 07 35	81 33 03	100.000 kW	310M	78.4	59.0	
Hall Communications, Inc.				BLH890908KA			

ALLOCATION STUDY CHANNEL 246A

EXHIBIT #2
PETITION FOR RULE MAKING
deHARO BROADCASTING, INC.
ALLOT CHANNEL 246A
INDIAN RIVER SHORES, FL

July 1993

KROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island)
County of Glynn) ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by deHaro Communications, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

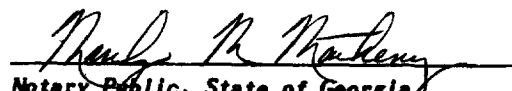
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of July, 1993.



Jefferson G. Brock
Affiant

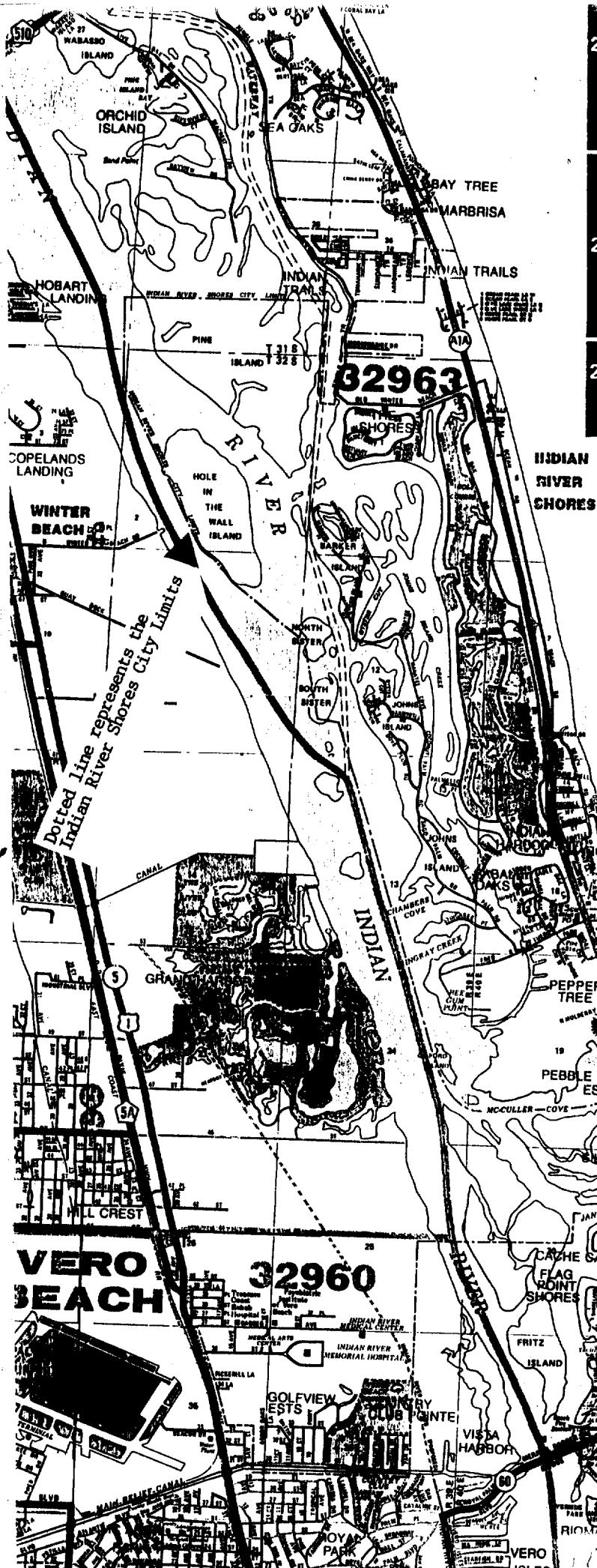
Sworn to and subscribed before
me this the 1st day of July, 1993.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995

EXHIBIT B

(Map of Indian River Shores)



MAP OF VERO BEACH AND SEBASTIAN AND VICINITY FLORIDA

SCALE
0 1/4 1/2 3/4 1 MI

© 1992 DOLPH MAP CO., INC.
420 North Federal Highway
Fort Lauderdale, FL 33301
1-800-877-3848

SCHOOLS

- Beachland Elem
- Citrus Elem
- Dogtown Elem
- Fellows Elem
- Gifford Middle Seven
- Gifford Middle Six
- Glendale Elem
- Highland Elem
- Indian River Community College (Mueller Ctr)
- J. A. Thompson Elem
- Oracola Elem
- Pelican Island Elem
- Rosewood Elem
- Sebastian Elem
- Sebastian River Middle/Jr
- Sebastian River Sr Hi (Proposed)
- St. Edwards Lower School
- St. Edwards Upper School
- Vero Beach Elem
- Vero Beach Jr Hi
- Vero Beach Sr Hi
- Wabasso Exceptional Sch.